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May 8, 2012

Via ECF

Chief Magistrate Steven M. Gold
United States District Court
Eastern District of New York
225 Cadman Plaza, East
Brooklyn, NY 11201

Re: Rodriguez v. the City of New York
P.A. Jr. v City of New York
Alford v City of New York
10 CV 4661 and 11 CV 1583

Dear Judge Gold:

In compliance with Your Honor's prior Order, I write to advise you of the agreed upon deposition schedule¹ in the above case. Given the number of witnesses and schedules, we unfortunately cannot complete party depositions in June. After exchanging available June dates, it turns out that there are only five days when all three plaintiff firms are available. The Skadden firm notified us on May 2 of eleven² defendant witnesses whose depositions they are seeking. Mr. Lambert requested on May 7 an additional eight defendant witnesses for deposition. (Mr. Wotorson has identified some of the same witnesses already requested).

¹ Defendants have advised Mr. Lambert of available dates to conduct the deposition of Mr. Alford in late May in accordance with his surgery schedule.

² One of the requested witnesses is John Mattingly, the former Commissioner of ACS. I have spoken with Patrick Rideout about deferring this request without prejudice to either side, in order for the parties to discuss it further and seek this Court's guidance on the request if necessary.

We have agreed to the following dates and witnesses: Eugene Plotnick (June 16); Carline Anderson (June 19); Robert Salemi (June 20); Blanca Correa (June 26); and John McLaughlin (June 28).

We continue to speak with our witnesses and identify available dates in July. It appears that July may be a month when the plaintiff firms have more availability, although I am told that August is not good for either Mr. Wotorson or Mr. O'Bryan.

We will supplement this letter to Your Honor later this week once we are able to confirm the schedule for July.

Thank you for your consideration.

Respectfully submitted,
BARRY, MCTIERNAN & MOORE

By: Suzanne M. Halbardier
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